

HOUSE BILL 3832  
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 15, relative to child abuse, neglect and  
endangerment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) Any person who knowingly, other than by accidental means, treats a child under eighteen (18) years of age in such a manner as to inflict injury commits the offense of child abuse. Such offense is a Class A misdemeanor; provided, however, that, if the abused child is eight (8) years of age or less, the penalty is a Class D felony.

SECTION 2. Tennessee Code Annotated, Section 39-15-401(b), is amended by deleting the section in its entirety and substituting instead the following language:

(b) Any person who knowingly neglects or endangers a child under eighteen (18) years of age commits a Class A misdemeanor; provided, that if the neglected or endangered child is eight (8) years of age or less, the penalty is a Class E felony. The child need not suffer an actual injury or an adverse effect to the child's health and welfare for the child to be neglected or endangered.

SECTION 3. Tennessee Code Annotated, Section 39-15-401(c), is amended by deleting subdivision (2)(A) in its entirety and substituting instead the following language:

(2)

(A) If the person pleads not guilty, a juvenile judge shall have the power of a judge of the court of general sessions to bind the person over to the grand jury as in cases of misdemeanors under the criminal laws of

this state. Upon being bound over to the grand jury from either general sessions or juvenile court, the person may be prosecuted on an indictment filed by the district attorney general and a prosecutor need not be named on the indictment. The district attorney general may also file a case of child abuse, neglect or endangerment directly with the grand jury.

SECTION 4. Tennessee Code Annotated, Section 39-15-401(c)(2)(B), is amended by deleting the language "guilty, the juvenile court judge shall" and substituting instead the language "guilty, a juvenile court judge shall".

SECTION 5. Tennessee Code Annotated, Section 39-15-401(c)(2)(C), is amended by inserting the language "in juvenile court" immediately following the language "plea of guilty".

SECTION 6. Tennessee Code Annotated, Section 39-15-402(a)(3), is amended by deleting the language "to accomplish the act of abuse, neglect or endangerment" and substituting instead the language "or is present and accessible to the child".

SECTION 7. This act shall take effect July 1, 2006, the public welfare requiring it.